

Instructions: Request to Continue Hearing

These forms were prepared by the Justice & Diversity Center, a nonprofit organization, and are not official court forms.

Checklist

This packet provides a general form to request the Court to change a hearing date. **This packet is also available in a fillable pdf version on the Court's website at www.cand.uscourts.gov/civillitpackets.** This packet includes the following forms:

- Request to Continue Hearing
- Certificate of Service

General Instructions

A. This packet contains a form for a Request to Continue Hearing and a Certificate of Service which can be used in the Northern District Court of California. This form can be used when you want to change a court hearing date. For instance, you can use this form if you would like to change the date of a Case Management Conference because you have not served the other side. Convenience or a mere conflict with a hearing date is **NOT** a valid reason to request a change.

B. **This request should be filed with the Court as soon as possible and well before the hearing date. The Court has full discretion to grant or deny your request. Unless you hear from the Court otherwise, you should assume that the current hearing date stands and you should attend the hearing as scheduled.**

C. Before filling out the form, ask the other side if they will also agree to change the date. If they agree, indicate that on the form. If the other side does not agree or it is not possible to contact the other side, for instance, if you have not served them with the lawsuit, then complete this form on your own behalf.

D. **Fill out the included forms completely.** Suggestions and instructions are provided [*in brackets and/or italics that look like this*] to help you. **Be sure to sign and date the form.**

E. Make sure that **one copy of the Request to Continue Hearing and the Certificate of Service is served on the opposing party** in one of the ways listed on the Certificate of Service. Then, **mail or hand-deliver the original plus two copies of the forms to the Clerk's Office** at the court to which your case is assigned. The Clerk will take the original and one copy. The other copy is for you to keep after it is stamped by the Clerk. If you file by mail, include a self-addressed, stamped envelope so that the Clerk can send a copy back to you.

F. You must tell the Clerk right away if your mailing address changes. If the Court is unable to contact you, you may miss important deadlines, causing you to lose your case.

More Information

This packet does NOT tell you everything you need to know about a Request to Continue Hearing. For further advice, please contact one of the following for legal assistance:

- If your case is in the San Francisco/Oakland federal courthouse, make an appointment with the **Legal Help Center** for free legal information and advice by calling 415-782-8982 OR
sign up at 450 Golden Gate Ave., S.F., 15th Floor, Room 2796 OR
sign up 1301 Clay Street, Oakland, 4th Floor, Room 470S.
- If your case is in the San Jose federal courthouse, make an appointment with the **Federal Legal Assistance Self Help Center** for free legal information and advice by calling (408) 297-1480 OR
sign up 280 South First Street, S.J., Room 2070.

1 Your Name: _____
2 Address: _____
3 Phone Number: _____
4 Fax Number: _____
5 E-mail Address: _____
6 Pro Se [Select one: Plaintiff or Defendant]

8 United States District Court
9 Northern District of California
10 [Select one location: San Francisco / Oakland / San Jose / Eureka]

12		Case Number: _____
13		
14	Plaintiff(s),	REQUEST TO CONTINUE
15	vs.	[name of hearing] _____
16		_____
17		_____
18		
19		
20	Defendant(s).	

21
22 Plaintiff/ Defendant [your name] _____ respectfully requests
23 the Court to continue the [name of hearing] _____,
24 currently scheduled for [current date of hearing] _____ for [number of
25 days you want extension, generally 30, 60 or 90 days] _____ or as long as the Court sees fit.
26 [Provide the reason for your request. Convenience or a mere conflict with a hearing date is **NOT**
27 a valid reason to request a change.] _____
28 _____

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Date: _____ Sign Name: _____
Print Name: _____

Request to Continue _____; Case No. _____

CERTIFICATE OF SERVICE

Use this form to show that a paper or document (other than a complaint) was served (sent or delivered) to an opposing party in accordance with Federal Rule of Civil Procedure 5. A different form is needed to serve a complaint under Federal Rule of Civil Procedure 4.

Case name: _____

Case number: _____

What document was served? *(Write the full name or title of the document or documents, e.g., "Plaintiff's Opposition to Defendant's Motion for Summary Judgment.")*

Title(s): _____

How was the document served? *(Check one.)*

- ☐ Placed in U. S. Mail
- ☐ Sent by fax
- ☐ Hand-delivered
- ☐ Sent by delivery service (e.g., FedEx or UPS)

To whom was the document sent? *(Write the full name, address, and fax number of everyone who was sent the document. Usually, they will be the lawyers for the opposing parties.)*

When were the documents served? *(When were they mailed, faxed, or delivered?)*

Date: _____

Who served the documents? *(Whoever puts it into the mail, faxes, hand-deliveres, or sends by delivery service should print his/her name, address and sign. You can also do this yourself.)*

I declare under penalty of perjury under the laws of the United States of America that the information in this certificate of service is true and correct.

Signature: _____

Printed name: _____

Address: _____